

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN TRUE,)	
)	
Plaintiff,)	4:07CV3280
)	
vs.)	ORDER
)	
STATE OF NEBRASKA,)	
ROBERT HOUSTON, Director,)	
Department of Correctional Services,)	
An Agency of the State of Nebraska,)	
DIANE SABATKA-RINE, Warden,)	
Lincoln Correctional Center,)	
ROBERT MADSEN, Deputy Warden,)	
Lincoln Correctional Center,)	
)	
Defendants.)	

This matter is before the court sua sponte.

On August 8, 2008, the plaintiff filed an Amended Complaint ([Filing No. 23](#)).¹ The plaintiff did not file the amended complaint with leave of court, stipulation of the defendants or otherwise in compliance with the local or federal rules governing such procedure. **See Fed. R. Civ. P. 15; NECivR 15.1.** It appears the plaintiff filed the amended complaint, on the deadline for filing motions to amend, to add a party, a claim and additional allegations. The defendants have filed an answer ([Filing No. 13](#)) and a motion for summary judgment ([Filing No. 17](#)). Under these circumstances and pursuant to the rules, the plaintiff is required to seek leave of court or stipulation by the defendants prior to filing an amended complaint. Accordingly, the plaintiff's amended complaint will be stricken and the defendants need not file a response. Upon consideration,

¹As a convenience, this document contains certain cross-document hyperlinks to documents previously filed in this case. This document also contains links to the Nebraska local rules the Federal Rules. The hyperlinked documents appear in blue underlined text. Except with regard to the local rules, access to the hyperlinked material is subject to fees pursuant to user agreements. The hyperlinks may be accessed without PACER fees by use of the public computer terminal in the Clerk's office.

IT IS ORDERED:

The Clerk of Court shall strike the plaintiff's Amended Complaint ([Filing No. 23](#)) from the record in this case.

DATED this 11th day of August, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge